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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,847	10/11/2001	Marc Foguenne	P-62984-US-0	6456

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Supervisor Patent Prosecution Service  
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1200 Nineteenth Street NW  
Washington, DC 20036-2412

EXAMINER

BOLDEN, ELIZABETH A

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/868,847	FOGUENNE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Elizabeth A. Bolden	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-21, and 23 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-20 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gulotta et al., U.S. Patent 5,393,593.

Gulotta et al. disclose a colored glass for privacy glazing comprising 1.0-2.2 wt% total  $\text{Fe}_2\text{O}_3$ , at least 0.20 wt%  $\text{FeO}$ , 0.01-0.03 wt%  $\text{CoO}$ , and 0.0005-0.005 wt%  $\text{Se}$ . See abstract of Gulotta et al. The reference further discloses a luminous transmittance of less than 35 % and a total solar energy transmittance of less than 22 %. See abstract of Gulotta et al. Gulotta et al. disclose that the glass may have a gray tint and can deviate to a blue-gray where the excitation purity would be as high as 15 or higher. See column 4, lines 23-27. The reference further discloses that the blue-gray color is characterized by a dominant wavelength of from 485-495. See column 4, lines 35-37. The ferrous iron redox ratio ( $\text{FeO}/\text{TFe}_2\text{O}_3$ ) is from 0.2 to 0.4. See column 5, lines 55-57. Furthermore, Gulotta et al. disclose examples 8 and 11, which met the compositional limitations of claims 14 and 16. See Table 1. The ranges of colorants and properties disclosed by Gulotta et al. are sufficiently specific to anticipate claims 14-20 and 23.

MPEP 2131.03

Claims 14, 16-18, and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jones, U.S. Patent 5,411,922.

Jones discloses a soda lime silica glass with a light transmittance under illuminant A (LTA) of 10-60%, a total iron oxide concentration of 0.90 to 1.90 wt%, 0.002 to 0.025 wt% Co, 0.001 to 0.006 wt% Se, and 0.1 to 2 wt% TiO<sub>2</sub>. See abstract of Jones. Jones further discloses that the glass is used for automotive windows. See column 1, lines 21-25. Jones discloses that the reduction ratio of the FeO to total Fe<sub>2</sub>O<sub>3</sub> is from 0.15 to 0.30. See column 5, line 32. Furthermore Jones discloses example 11, which has a LTA of 19.4 and a total solar energy transmittance (TSET) of 16.1 and a selectivity of 1.205 where the selectivity is the LTA/TSET. See table VI. The ranges of colorants and properties disclosed by Jones are sufficiently specific to anticipate claims 14, 16-18 and 23. See MPEP 2131.03. Moreover example 11 anticipates claims 14, 16, and 23.

Claims 14-16 and 23 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Combes et al., U.S. Patent 5,352,640.

Combs et al. disclose a colored glass for glazings i.e. sunroofs of automobiles with a total light transmission factor under illuminant A of 20% or less, a total energy transmission factor of 12% or less, a total iron oxide concentration of 1.4 to 4 wt%, 0 to 0.05 wt% Co, and where CoO+Se+Cr<sub>2</sub>O<sub>3</sub> < 0.24 wt%. See abstract of Combes et al. Combes et al. further disclose that the reduction ratio of the FeO to total Fe<sub>2</sub>O<sub>3</sub> is below 0.30. See column 2, lines 34-37. Combes et al. disclose that the glasses would have a dominant wavelength from 485-505 nm, an excitation purity of less than 30, and a total energy transmission factor of 10% or less. See column 2, lines

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50-55. These ranges are sufficiently specific to anticipate the recited limitations of claims 14-16.

See MPEP 2131.03.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Combes et al. would inherently have the same properties including UV transmission factor, as recited in claim 15. See MPEP 2112.

Claims 14, 16-18, 21, and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Seto et al. Japanese Patent Publication 10-114540.

A machine-generated translation of Seto et al. accompanies this action. In reciting this rejection, the examiner will cite this translation.

Seto et al. disclose a bluish green glass comprising a total iron oxide concentration of 1.2 to 2.2 wt%, 0.001 to 0.03 wt% Co, 0-0.008 wt% of Se, and 0-0.2 wt% of NiO. See abstract of Seto et al. Seto et al. disclose that the bluish green glass can be used for automotive windows. See paragraph [0001]. The reduction ration of the FeO to total Fe<sub>2</sub>O<sub>3</sub> is from 10-40%. See paragraph [0026]. Seto et al. disclose that total sunlight energy permeability (TG) is from 7 to 35% and the visible light transmittance (YA) is from 23 to 50%. See paragraph [0036]. The reference discloses a dominant wavelength from 480-550 nm, and an excitation purity of less than 11. See paragraph [0038]. Additionally, the reference discloses that the ultraviolet-rays permeability is less than 6%. See paragraph 0046]. These ranges are sufficiently specific to anticipate the recited limitations of claims 14, 16-18, 21, and 23. See MPEP 2131.03.

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Since the composition of the reference is the same as those claimed herein it follows that the glasses of Seto et al. would inherently have the selectivity range, where selectivity equals YA/TG, as recited in claim 14. See MPEP 2112.

### *Allowable Subject Matter*

Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The closest prior art is deemed to be Seto et al. Japanese Patent Publication 10-114540. As shown above Seto et al. disclose a glass that meets the claim limitations of claims 14 and 21. The instant application differs from Seto et al. by requiring an excitation purity of greater than 18. Seto et al. disclose that the excitation purity is less than 11. See paragraph 38 of Seto et al.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 703-305-0124. The examiner can normally be reached on 8:30am to 6:00 pm with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 703-308-3823. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
DAVID SAMPLE  
PRIMARY EXAMINER

EAB

September 23, 2002